

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**LABORERS' INTERNATIONAL UNION OF  
NORTH AMERICA, LOCAL 22**

**and**

**Case 1-CB-60481**

**ROBERT FUNAI**

**ORDER**

The Charged Party Union's petition to revoke subpoena duces tecum B-570406 is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Union has failed to establish any other legal basis for revoking the subpoena.<sup>1</sup> See generally *NLRB v. North Bay Plumbing, Inc.* 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., October 21, 2011.

MARK GASTON PEARCE,	CHAIRMAN
CRAIG BECKER,	MEMBER
BRIAN E. HAYES,	MEMBER

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<sup>1</sup> We need not pass on whether, as the Union argues, the subpoena seeks documents created during or pertaining to matters occurring outside the 6-month limitations period in Sec. 10(b) of the Act. Sec. 10(b) does not bar admission of evidence outside the 6-month limitations period. See *Local Lodge No. 1424 v. NLRB*, 362 U.S. 411, 416 (1960) ("earlier events may be utilized to shed light on the true character of matters occurring within the limitations period"). Documents created outside the Sec. 10(b) period may be relevant to the Region's investigation, and properly sought pursuant to a subpoena. See e.g., *NLRB v. Line*, 50 F.3d 311, 314-315 (5th Cir. 1995) (subpoena seeking documents from 5 years ago not overly broad).